

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

JEREMY JOHNSON, *et al.*,

Defendants.

Case No. 2:10-cv-02203-RLH-GWF

ORDER

Motion to Quash Subpoena (#492)

This matter comes before the Court on Defendant Jeremy Johnson's Motion to Quash Subpoena of Plaintiff upon the Village Bank (#492), filed on March 6, 2012. Defendant requests the Court quash a subpoena issued on Village Bank, arguing that the subpoena is unreasonable, irrelevant and oppressive. Upon review, Defendant's motion is improper. Fed. R. Civ. P. 45(c)(3) states "[o]n timely motion, the *issuing court* must quash or modify a subpoena that..." (emphasis added). The court that issued the subpoena, and not the court where the underlying action is pending, has the authority to quash or modify subpoenas under Rule 45. *S.E.C. v. CMKM Diamonds, Inc.*, 656 F.3d 829, 832 (9th Cir. 2011). Because the subpoena in question was issued by the United States District Court for the District of Utah, this Court lacks authority to hear Defendant's motion. Accordingly,

IT IS HEREBY ORDERED that Defendant Jeremy Johnson's Motion to Quash Subpoena of Plaintiff Upon the Village Bank (#492) is **denied**, without prejudice.

DATED this 13th day of March, 2012.


GEORGE FOLEY, JR.
United States Magistrate Judge